

LARSON: You didn't get any drugs, you left behind a young man who distrusts you even more, and the animosity grows. Is it worth it?

Off. DAMMERT: I explained to him numerous times why I did what I did. He didn't want to hear it. So the only other alternative is don't stop him in the first place, you know? If I stop doing that I'm going to have the community on my back. 'Why aren't you out there getting these guys?'

LARSON: In all fairness, the community might say, 'Yeah, don't--don't stop him. If all he does is turn away from you, don't stop him. Look for something more.'

Off. DAMMERT: Probably the majority of our major arrests come from minor violations.

(Voiceover) Do you want me to take drugs off the street? This is how I'm going to do it.

(Man being searched)

Off. DAMMERT: If you don't like the way I'm going to do it, don't look at it. But this is how it has to be done.

LARSON: (Voiceover) We did check the young man's background and learned something Officer Dammert didn't even know. We learned the young man had two convictions for possessing small amounts of marijuana and cocaine. But on this day, of course, he was clean, and his record had nothing to do with why he was stopped or searched.

And this was just one day and with one officer, but encounters like this happen all the time. While many good cops, black and white, argue they are just trying to do their job, many African-Americans report the issue is much larger than that. And to better understand this, you should understand what happened at the corner of a dark alley one night in Cincinnati.

(Short talking with police officers; Dammert talking with Short; Dammert searching people; people walking; corner of alley)

Unidentified Police Officer #5: (Voiceover) What the...(deleted by network)...was that? A shot fired.

(Dark corner of alley)

Unidentified Police Officer #6: (Voiceover) Send me a rescue unit!

(Dark corner of alley)

Announcer: It was a night that would leave a young man dead and a mother outraged.

Ms. ANGELA LEISURE: I demand to know why.

Announcer: How her son's death tore the city apart and re-ignited the controversy over racial profiling, when A Pattern of Suspicion continues.

(Announcements)

Announcer: A Pattern of Suspicion continues on DATELINE with Stone Phillips.

LARSON: (Voiceover) April 7th, 2001, an unseasonably warm spring night in Cincinnati, Ohio. Late that night, around 2 AM in Over-the-Rhine, a young man walking down the street is spotted by an off duty-police officer outside the Warehouse, a local nightclub. As the officer approaches, the man runs and a chase is on.

(Cincinnati; moon; people on street; photo of Thomas; Warehouse; cars; RIP sign)

Unidentified Police Officer #7: (Voiceover) Nineteen, 26...

(Street in dark)

Unidentified Dispatcher: (Voiceover) Nineteen, 26...

(Street in dark)

Officer #7: (Voiceover) We have a suspect, male, black, about six-foot, red bandana, last seen eastbound on East 13th. He has about 14 warrants on him.

(Dark street)

LARSON: (Voiceover) Other officers quickly join the pursuit.

(Dark street)

Dispatcher: (Voiceover) OK, cars in the area copy on that. Chasing a subject with open warrants, approximately 14 of them, male, black.

(Police car; people on street)

LARSON: (Voiceover) A 27-year-old Cincinnati police officer spots the suspect as he runs into a dark alley. As a police car approaches, its camera rolling, you can see the officer run towards the alley, and almost immediately a shot rings out.

(Car cruising; photo of man; video of shooting)

Officer #5: (Voiceover) What the...(deleted by network)...was that? Shots fired.

(Police video of shooting)

Officer #6: Send me a rescue unit.

(Police video of shooting)

Unidentified Police Officer #8: (Voiceover) No officer is shot. We have an officer involved shooting. Suspect is down.

(Evidence markers)

LARSON: (Voiceover) A single bullet fired from the officer's gun pierces the suspect's heart. He's pronounced dead at 3:02 AM. The officer later tells investigators he thought the suspect was reaching for a gun. No gun was ever found.

(Shooting scene)

LARSON: (Voiceover) By dawn, the identity of the suspect comes to light. The man was 19 years old, a young father with an infant son. The man's name: Timothy Thomas.

(Photo of Timothy Thomas)

Unidentified Woman #2: All they needed to do was to grab him, instead they decided to shoot him.

Unidentified Woman #3: Timothy Thomas!

LARSON: (Voiceover) For many of Cincinnati's African-Americans, the death of Thomas, the latest in a growing number of black men to die at the hands of Cincinnati police, was the last straw.

(Funeral service)

Unidentified Man #6: It's like we the prey and they the predator. I mean, you know, it's like they out to get us.

Group of protestors: (In unison) No re-spect! No re-spect!

LARSON: (Voiceover) Thomas' mother, Angela Leisure.

(Angela Leisure being hugged)

Ms. ANGELA LEISURE: I demand to know why!

LARSON: (Voiceover) Within 24 hours, the anger and mistrust the African-American community felt towards its police exploded on the streets.

(People marching)

Unidentified Police Officer #9: You are ordered to disperse the park now!

LARSON: (Voiceover) Riot police marched through the streets, firing tear gas and rubber bullets. Days of civil unrest painful for the city to endure.

(Police shooting; man falling after being hit; police on streets)

Unidentified Man #7: (Voiceover) If the police restrain themselves, then the citizens will restrain themselves.

(Man throwing something)

Unidentified Police Officer #10: Start walking.

Unidentified Woman #4: We are well within our rights.

Officer #10: Get off the corner!

Unidentified Police Officer #11: (Spraying protestor) Go! Go! Go! Go! Let's go!

LARSON: (Voiceover) But while it was the death of Timothy Thomas that enraged many in the city, it was the story of what happened to Thomas months before his death that would raise the most disturbing questions. Those questions would launch DATELINE on a 14-month investigation revealing new information on racial profiling. Our search began with something as simple as a traffic ticket.

Thomas' mother, Angela Leisure:

(Police car; photo of Timothy; police cars; ticket; Leisure)

Ms. LEISURE: One day Tim came in the house, and he was like, 'Mom, I got two tickets.' It's like, 'Two tickets, Mom, for the same thing.'

(Voiceover) Later on that same day he got two more tickets for the same things, in the same area, from different police officers.

(Tickets)

LARSON: (Voiceover) DATELINE obtained traffic records that show beginning in February of 2000, as Timothy Thomas drove his friend's car, Cincinnati police began pulling him over and ticketing him at an astounding rate. March 10, Thomas is ticketed for not wearing a seat belt and driving without a license. later that same day, Thomas is pulled over again by a different officer and ticketed for driving without a license. In fact, in just more than two months, Thomas was pulled over 11 times by six different white officers and four black officers. They cited Thomas for 21 violations, almost all of them for the exact same things: not wearing a seat belt or driving without a license. Driving without a license is a criminal offense and can be dangerous, which is why the law requires people to take a test to get their license.

(Houses, car; police lights; ticket; tickets; photo of Timothy; tickets; cars on road)

LARSON: Was there ever a point where you just said, 'You know, Timothy, get your license. Wake up!'

Ms. LEISURE: There was a point where we had conversations like that. It was actually several points in time we had conversations like that.

LARSON: Nothing should have cost him his life that night, and at the same time I know people will also be thinking, 'If he had just gotten his drivers license, if he just hadn't run, he'd still be here.'

Ms. LEISURE: But what did you do when you were 19? Did you always think? Regardless of what your parents taught you, how they brought you up, did you always think first?

LARSON: While it's clear Thomas broke the law--repeatedly driving without a license--the reason his tickets may be an indication of something larger is this: Think about it, driving without a license is a non-moving violation that police can only detect after they've pulled you over. It's not a moving violation, like running a red light, something police can see as you drive by. And driving without a seat belt, that's an infraction police must look very closely to spot. So the question is, if Thomas was being ticketed for infractions that were either difficult or impossible to see, why was he being

pulled over in the first place?

A mother may be the last person to ask this to, but any way, shape and form you think your--your son might have been hooked up with the drug trade?

Ms. LEISURE: Oh, no.

LARSON: I mean if he was a drug dealer, he was like...

Ms. LEISURE: He was the brokest one you would ever meet.

LARSON: (Voiceover) Legally, police must have a justifiable reason to pull someone over. The officer who tried to stop Thomas the night he was shot said he recognized him after ticketing the young man a year earlier. We asked Roger Webster, who was then the head of the Cincinnati police union, why he thought Thomas had been pulled over and given so many non-moving violations.

(Car pulled over; ticket; Roger Webster and Larson entering building)

Mr. ROGER WEBSTER: It's generally a cop trying to be a nice guy and say, 'Well, I'm not going to cite you with running that stop sign. I'll just give you a seat belt violation or I'll give you a no driver's license. You get your driver's license, take it to court, and it'll be over and done with.' And that's generally what it is.

LARSON: (Voiceover) Had 10 different officers all really just been nice guys, pulling Thomas over for running a stop sign or speeding, but only once issuing him a moving violation? Or was something else going on?

(Police lights; tickets)

LARSON: Was this guy being profiled in some way?

Mr. WEBSTER: It's very hard to tell the color of the driver of the car at night.

LARSON: A lot of these are the middle of the day.

Mr. WEBSTER: A lot of them are the middle of the day. And again, it's--it's hard to see in--into a vehicle in the daytime and--and tell what color the driver is in a split second. To say, 'Well, there goes a black guy. I'm going to stop him. He probably doesn't have a driver's license.' You know, I--I can't see an officer doing that.

LARSON: (Voiceover) But Timothy's brother Terry says officers routinely pulled

over Timothy, for the same reason they pull over most of the young men in the neighborhood: because they are black and, he says, police view them with more suspicion.

(Photo of Timothy; men on street)

Mr. TERRY THOMAS: They figure they out there selling drugs and, I mean, yeah, there's a few drug dealers, but you can't just point them out and say, 'Yeah, he a drug dealer.' If you haven't seen him or know he's doing it, you can't just point him out. But that's what they was doing. They was just picking you out the crowd.

(Voiceover) And Tim got picked out a lot of times. But they didn't have no reason to pick him out.

(Photo of Timothy)

LARSON: (Voiceover) It is a charge the Cincinnati police vehemently deny.

(Police building)

Mr. WEBSTER: Not in Cincinnati.

LARSON: Ever?

Mr. WEBSTER: Ever. You know, it's--it's suspicious behavior. To say that a guy is stopped because he's--he's one color or another color I don't think so, I don't believe so, I don't believe we've done it. And I don't know of anybody that's out there that's doing it. Look at the total picture of what's going on, before we go out and accuse the cops of racial profiling.

LARSON: (Voiceover) Look at the total picture? Fair enough. So DATELINE began one of the most ambitious statistical projects of this kind ever undertaken. Before our investigation was over we would gather, sort, and analyze more than 300,000 traffic tickets in Cincinnati and more than four million tickets in major cities across the country. We were looking for new, conclusive answers to the question: are black drivers routinely being racially profiled, pulled over because they're black?

(Documents; Larson at computer; police lights; list; police cars)

Announcer: What we found in Cincinnati, numbers that would suggest a disturbing trend.

Professor DAVID HARRIS: It's a very powerful piece of evidence.

Announcer: When A Pattern of Suspicion continues.

(Announcements)

Announcer: Crowds of people lining up to get money they never knew they had.

Unidentified Man #8: One thousand dollars.

Announcer: How you can get yours, later on DATELINE.

(Announcements)

Announcer: We now continue with A Pattern of Suspicion on DATELINE with Stone Phillips.

Off. DAMMERT: How you doing sir?

Unidentified Man #9: Fine.

Off. DAMMERT: (Voiceover) When I stop cars I really could care less what the race of the person is.

(Dammert at window of car; Dammert)

Off. DAMMERT: Do you have any identification on you?

LARSON: (Voiceover) Do Cincinnati police racially profile black drivers, using traffic stops in a way that denies them their basic constitutional right of equal treatment under the law? In an effort to find out, DATELINE pulled more than 300,000 traffic tickets issued to Cincinnati drivers from 1998 to 2002. What we found was a clear pattern.

(Dammert; police lights; documents)

LARSON: Overall Cincinnati police ticketed black and white drivers equally, except when it came to the type of tickets issued Timothy Thomas--driving without a seat belt or license, violations that are difficult or impossible to spot until after you've been pulled over. When it came to these tickets, we found Cincinnati police ticketed black drivers at a rate three times that of white drivers.

(Voiceover) We asked Cincinnati's police union president Roger Webster whether this might be evidence Cincinnati police are racially profiling.

(Webster; cars on street)

Mr. WEBSTER: I'm not saying it doesn't happen. I'm saying that the guys that I know and the Cincinnati cops that I know don't do that as a practice. We don't do it, we haven't done it and we won't do it.

Mr. SHELBY STEELE (PhD, Research Fellow Hoover Institution): The statistics themselves hinge on the amount of crime in those communities.

LARSON: (Voiceover) Author and Hoover Institute fellow Shelby Steele believes the reason for the disproportionate stops is not racial profiling, but the uncomfortable truth that blacks commit a disproportionate amount of violent crime.

(Steele walking; man being arrested)

Mr. STEELE: Its the elephant in the room that we can't talk about. I mean there is--there is a huge amount of crime in inner-city America. And so the question really is, are police stops proportionate to the amount of crime in that--in that community?

(Voiceover) If we look at the numbers in that way, we may find that those communities are under-policed.

(Men in police car)

LARSON: (Voiceover) But DATELINE found that in low crime neighborhoods--outside Cincinnati's inner city--police are pulling over and ticketing blacks for non-moving violations at disproportionate rates there as well.

(Police car; documents)

LARSON: And the disproportionate rates hold there, too.

Mr. STEELE: Well, so what--what would your point be then?

LARSON: Blacks are being pulled over in low-crime, frequently white neighborhoods where there doesn't seem to be a lot of pressure to fight crime.

Mr. STEELE: Maybe they're pulled over for very good reasons. Maybe they're committing more crime in those neighborhoods than--than other people are?

LARSON: (Voiceover) We showed DATELINE's research to law professor and former prosecutor David Harris, who had a very different opinion of our data.

(Police car; David Harris)

Prof. HARRIS: It's a very powerful piece of evidence. When you look at that, when you see that pattern...

(Voiceover) ...what you're seeing is that discretion that the police have is being used much differently in minority communities than it is in white communities.

(Police car driving amongst other cars)

Prof. HARRIS: And it's being used in ways that allow police to have an excuse or a pretext to do searches, to do questioning, to do the kinds of things that they don't do elsewhere.

LARSON: (Voiceover) Harris has studied racial profiling for years and authored a book called "Profiles in Injustice". He says DATELINE's research offers a window into how he believes Cincinnati police use their discretion: using minor traffic stops as a way to scrutinize people, to search them for guns, drugs or outstanding warrants.

(Harris reading; book; police searching person)

LARSON: What's the matter with that? I mean the courts have given police officers wide discretion.

Prof. HARRIS: The problem is the wider your discretion and the less regulated your discretion, the more you're subject to the possibility of abuse. Police officers will tell you, 'The traffic code is my best friend. I know I can stop pretty much anybody I want to if I follow them for a few blocks. Its all legal.'

LARSON: (Voiceover) Harris says DATELINE's research shows African-Americans in Cincinnati are disproportionately the subjects of such selective law enforcement. In other words, black Americans are being racially profiled, and judging by the ticketing pattern, Harris says, its likely Timothy Thomas was too.

(Person pulled over; police car cruising; police lights; photo of Timothy)

Prof. HARRIS: Its a fishing expedition. He was being focused on and they were watching him. And these violations are not the kinds of things you see from the outside of the car.

(Voiceover) He was being stopped, he was being checked and then whatever they found they were citing him for.